

CLAIMS OF GERMAN NATIONALS AGAINST THE UNITED STATES

FEBRUARY 9, 1927.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

MR. PORTER, from the Committee on Foreign Affairs, submitted the following

REPORT

[To accompany H. J. Res. 350]

The Committee on Foreign Affairs, to which was referred House Joint Resolution 350, "To provide for the payment of claims of certain German nationals against the United States," having had the same under consideration, reports thereon with the recommendation that the resolution do pass without amendment.

The passage of this resolution is recommended by the President of the United States, and the facts are fully set forth in a letter to the President from the Secretary of State, said recommendation and letter being incorporated in this resolution, as follows:

To the Congress of the United States:

I transmit herewith a report concerning the claims against the United States presented by the German Government on behalf of the heirs or representatives of the German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechantsreiter, for various amounts aggregating \$461.59, which have been covered into the general fund of the Treasury Department as required by the statutes relating to the disposition of effects and unpaid wages of deceased seamen on American vessels, it appearing that each of the German nationals referred to lost his life while in the status of seaman in the American merchant marine. The report requests that the Congress be asked to authorize the appropriation of the sum necessary to pay these claims.

I recommend that, in order to effect a settlement of these claims in accordance with the recommendation of the Secretary of State, the Congress authorize an appropriation of the sum of \$461.59.

CALVIN COOLIDGE.

THE WHITE HOUSE,
December 9, 1926.

THE PRESIDENT:

I have the honor to submit, with a view to its transmission to the Congress, the following report and recommendation respecting the claims presented by the German Government on behalf of the heirs or representatives of the German

nationals hereinafter named for the various amounts, aggregating \$461.59, which have been covered into the general fund of the Treasury Department as required by the statutes relating to the disposition of effects and unpaid wages of deceased seamen on American vessels.

The essential facts concerning these claims are substantially as follows:

During the years from 1914 to 1917 the German nationals referred to died intestate within the jurisdiction of the United States, leaving their estates to German nationals abroad. The following is a list of such estates which were claimed by the heirs after the reestablishment of peace between the United States and Germany:

"1. John Adolf, a seaman on the American ship *Henry Wilson*, was drowned on July 3, 1914, in the Kirchak River, Alaska, leaving an estate in the amount of \$218.22. This sum was turned over to the Treasury Department of the United States by the United States district court in San Francisco on February 6, 1922.

"2. Harmann Pegel, a ship's steward, died in the Ancon Hospital, Ancon, Canal Zone, on December 25, 1915, leaving an estate in the amount of \$68.36.

"3. Franz Lipfert, a seaman, died on the American steamer *Northern Pacific* on June 30, 1916, leaving an estate in the amount of \$25.94.

"4. Albert Wittenburg, a sailor, died at Naknek, Alaska, on June 26, 1916, leaving an estate in the amount of \$106.82.

"The sums referred to under Nos. 2, 3, and 4 were likewise turned over to the United States Treasury Department on March 13, 1922.

"5. Karl Behr, a seaman on the schooner *Hugh de Payens*, was drowned in San Juan Harbor in February, 1917, leaving an estate in the amount of \$25.75, which was turned over to the United States Treasury Department by the United States district court in San Juan.

"6. Hans Dechantsreiter, a sailor on the steamship *Illinois*, was killed by an accident on board that boat, May 29, 1916, leaving a net estate in the amount of \$16.50, which was turned over to the United States Treasury Department by the United States district court for the Southern District of New York."

The essential requirements of the statutes with respect to the disposition of the effects and unpaid wages of a deceased seaman on an American vessel are that they be delivered by the master or owner of the vessel to a United States shipping commissioner to be turned over to the United States court for the judicial district in which the home port or terminal port of the vessel is located and that the court shall hold such funds for a period of six years, subject to legal claims that may be presented and established against the same, and that the balance of such funds not required to pay claims substantiated before the court shall be deposited by the court and covered into the general fund of the Treasury of the United States. (Secs. 4538, 4539, 4541, 4542, 4543, 4544, and 4545, Revised Statutes, the act of Mar. 3, 1897, 29 Stat. 689, and secs. 289 to 291 of the Judicial Code, 36 Stat. 1167. Also 1 Comp. Gen. 557.)

The authorized procedure appears to have been followed with respect to the wages and proceeds of effects of the seamen above named and the claims under consideration were not presented to the court within the period of six years after the moneys had been received by the said court. Accordingly, the said moneys became Government moneys and were deposited and covered into the general fund as above stated as miscellaneous receipts and can be withdrawn therefrom only in consequence of an appropriation made by the Congress.

As a summary of the essential facts regarding these claims is embodied in this communication, it is deemed unnecessary to accompany it with copies of the correspondence in the case. All or any part of the correspondence will, of course, be furnished should the Congress so desire.

In view of the difficulties of communicating with Germany prior to the entrance of the United States into the war and immediately after the cessation of hostilities, and in view of the intervening period of hostilities, it would appear equitable to allow the claimants in these cases to recover the funds turned over to the Treasury Department.

It will be noted from the inclosed copy of a communication from the Director of the Bureau of the Budget, to whom the matter was referred, that the proposed action is not inconsistent with the financial program of the Government.

I have the honor to recommend that the Congress be requested to authorize the appropriation of the sum of \$461.59 in payment of these claims.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, October 8, 1926.

BUREAU OF THE BUDGET,
Washington, September 8, 1926.

MY DEAR MR. SECRETARY: I have your favor of April 21, 1926, submitting copy of a proposed report to the President recommending that the Congress be requested to authorize an appropriation for the sum of \$461.59 in payment of claims presented by the German Government on behalf of the heirs or representatives of the German nationals, John Adolph, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechantsreiter for various amounts aggregating the above-mentioned sum which have been covered into the general fund of the Treasury Department as required by the statutes relating to the disposition of effects and unpaid wages of deceased seamen on American vessels, it appearing that each of the German nationals referred to lost his life while in the service of the American merchant marine, and asking that I indicate whether the action proposed in the report is in harmony with the financial policy of the President.

In reply I have to advise you that the proposed request for legislation authorizing an appropriation of \$461.59 for the purpose stated is not in conflict with the financial program of the President.

Sincerely yours,

H. M. LORD, *Director.*

The SECRETARY OF STATE.

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